

OPINION
52-73

September 2, 1952 (OPINION)

MILITARY

RE: Applicability of War Act

In yours of August 30, you ask whether or not, in our opinion, section 57-4605 applies to members of the armed forces now in service in the present military operation.

Section 57-4605 is section 5 of chapter 267, Laws of 1943. Under the applicable rules of construction, this section 5 must be construed in the light of the whole chapter. Section 1 of this chapter certainly makes it unmistakably evident that the chapter refers to the then continuing war with Germany, Japan and Italy. The title to the act referred to the then "present war", which is the war referred to in section 1.

It would then seem that the provisions of section 5 also refer to the war in which this country was engaged when the Legislature was in session in 1943.

Therefore, it is our opinion that section 57-4605 does not apply to the present Korean War.

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